

17 MAG 4879

ORIGINAL

Approved: _____

ADAM S. HOBSON
Assistant United States Attorney



Before: THE HONORABLE KEVIN N. FOX
United States Magistrate Judge
Southern District of New York

DOC # _____

----- x
UNITED STATES OF AMERICA

- v. -

ALBERTO NIEVES,
a/k/a "Bert Nieves,"

Defendant.
----- x

SEALED COMPLAINT

Violations of 18 U.S.C.
 §§ 1513 & 2261A

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

STEFANO BRACCINI, being duly sworn, deposes and says that he is an Investigator with the U.S. Attorney's Office for the Southern District of New York, and charges as follows:

COUNT ONE

(Witness Retaliation)

1. From in or about January 2015 up to and including in or about June 2017, in the Southern District of New York and elsewhere, ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, knowingly, with the intent to retaliate, took actions harmful to a person, including interference with the lawful employment or livelihood of such person, for providing to a law enforcement officer truthful information relating to the commission or possible commission of a federal offense, to wit, NIEVES harassed and threatened, through the Internet, persons who previously provided information to law enforcement officers relating to the commission of federal offenses by NIEVES's brother for which NIEVES's brother was prosecuted and convicted.

(Title 18, United States Code, Section 1513(e).)

COUNT TWO
(Stalking)

2. From in or about January 2015 up to and including in or about June 2017, in the Southern District of New York and elsewhere, ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, with the intent to kill, injure, harass, intimidate, or place under surveillance with the intent to kill, injure, harass, or intimidate another person, did use the mail, an interactive computer service, and a facility of interstate or foreign commerce to engage in a course of conduct that placed a person in reasonable fear of the death of or serious bodily injury to that person, a member of the immediate family of that person, and a spouse or intimate partner of that person, and did cause, attempt to cause, and would be reasonably expected to cause substantial emotional distress to that person, a member of the immediate family of that person, and a spouse or intimate partner of that person, to wit, NIEVES used the Internet to disseminate harassing and threatening messages regarding persons who previously provided information to law enforcement officers relating to the commission of federal offenses by NIEVES's brother for which NIEVES's brother was prosecuted and convicted, thereby causing substantial emotional distress to that person.

(Title 18, United States Code, Section 2261A(2).)

COUNT THREE
(Threatening)

3. From in or about January 2015 up to and including in or about June 2017, in the Southern District of New York and elsewhere, ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, knowingly and willfully did transmit in interstate and foreign commerce, a threat to injure the person of another, to wit, NIEVES used the Internet to disseminate threats of physical injury to persons who previously provided information to law enforcement officers relating to the commission of federal offenses by NIEVES's brother for which NIEVES's brother was prosecuted and convicted.

(Title 18, United States Code, Section 875(c).)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

4. I am an Investigator with the U.S. Attorney's Office for the Southern District of New York. I am personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers and others, my review of reports and records, and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Summary

5. As set forth below, in 2011 and 2012, four cooperating witnesses provided information to federal investigators that led to the prosecution and imprisonment of a number of individuals involved in drug activity along Burke Avenue in the Bronx. ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, had been involved in that drug activity, and NIEVES was a known associate of the defendants who were prosecuted based on the cooperators' testimony.¹ These defendants included NIEVES's own brother. For approximately the past two years, NIEVES has been using social media accounts to threaten and harass the witnesses who cooperated against his drug-dealing associates. NIEVES's social media posts include, among other things, calls for violence against "snitches" and "rats" in general and against the four cooperating witnesses -- each called out by name -- in particular. NIEVES's threats appear to be having serious consequences: at least one of the cooperating witnesses has been attacked and shot at while being called a "rat," and others have received verbal threats that their lives are in danger.

The Burke Avenue Investigation and Prosecutions

6. In or about 2011 and 2012, a Grand Jury of the United States District Court for the Southern District of New York conducted a number of investigations into drug dealing operations in or around Burke Avenue in the Bronx, New York (the

¹ NIEVES himself was not prosecuted as part of these prosecutions. At the time, NIEVES himself was already in prison, serving a ten-year term for possessing a firearm in violation of 18 U.S.C. § 922(g)(1).

"Burke Avenue Investigation"). I was personally involved in the Burke Avenue Investigation and the prosecutions that resulted from the investigation. From my personal involvement in that matter, as well as my review of law enforcement and court records, I have learned the following:

a. The evidence in the Burke Avenue Investigation included, among other things, the testimony of four cooperating witnesses ("Victim-1," "Victim-2," "Victim-3," and "Victim-4").

b. As a result of the Burke Avenue Investigation, a large number of drug dealers were prosecuted and imprisoned. Based on my involvement in the investigation and my discussions with witnesses in the investigation, I know that a number of these defendants were associates of ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, and that NIEVES had also been involved in drug activity along Burke Avenue prior to his arrest and imprisonment in 2005.

c. The Burke Avenue Investigation included the prosecution of NIEVES's brother, Jose Nieves, a/k/a "Poopie." On or about December 13, 2012, a Grand Jury of the United States District Court for the Southern District of New York issued a five-count indictment against Jose Nieves in Case No. 12 Cr. 931 (AJN). The indictment charged Jose Nieves with, among other things, conspiracy to distribute crack cocaine and murder. The evidence supporting the charges included, among other things, information provided by Victim-1, Victim-2, Victim-3, and Victim-4. On or about December 9, 2013, Jose Nieves pled guilty to conspiracy to distribute narcotics in violation of Title 21, United States Code, Section 846. On or about April 23, 2014, Jose Nieves was sentenced to, among other things, 192 months of imprisonment.

d. Also as a result of the Burke Avenue Investigation, on or about February 27, 2012, a Grand Jury of the United States District Court for the Southern District of New York issued a ten-count superseding indictment, in Case No. 11 Cr. 184 (DLC) charging Calieb Barnes and a co-defendant with, among other things, conspiracy to distribute crack-cocaine, the use of firearms in furtherance of that conspiracy, robbery, and murder. On or about April 3, 2012, following a ten-day trial (the "Trial"), a jury found Calieb Barnes guilty on all ten counts. The evidence in the Trial included, among other things, the testimony of Victim-1 and Victim-3.

e. In connection with the Burke Avenue Investigation, I reviewed a letter dated May 31, 2010 that NIEVES sent to Victim-1. The letter stated, in part, "[I]f anything happens to either one of my brothers, I'm coming after any, and everybody that has anything to do with him (niggas, bitches, kids, etc...) so leave my fucking brothers alone."

NIEVES's Retaliation Against and Stalking of the
Cooperating Witnesses on Social Media

7. In or around March to May 2017, Victim-1, Victim-2, and Victim-3 separately contacted me and informed me that ALBERTO NIEVES, a/k/a/ "Bert Nieves," the defendant, had been using social media accounts to threaten them with death and physical injury, and that the victims and the victims' families were in fear for their lives.

8. Based on my review of records from Instagram, LLC ("Instagram"), I have learned that from on or about January 2016 to on or about May 2017, an Instagram account appearing to belong to ALBERTO NIEVES, a/k/a "Bert Nieves," see *infra* ¶ 12, using the name "Burke_Ave_Bert" (the "Instagram Account") made numerous social media posts threatening violence against "snitches" and "rats" in general and against Victim-1, Victim-2, Victim-3, and Victim-4 in particular. Based on my training and experience, I know that Government informants are often referred to as "snitches" or "rats." The following are a non-exhaustive sample of the Instagram posts:

a. On or about January 22, 2016, the Instagram Account publicly identified Victim-1, Victim-2, Victim-3, and Victim-4 as cooperators by posting a picture of a rat with the message, "Looks like [Victim-4] and [Victim-1] and [Victim-2] and [Victim-3] . . . (Damn did I miss anybody???) . They all look the same to me!!!"

b. On or about March 11, 2016, the Instagram Account posted a picture of a man holding what appears to be a dead rodent. The post included the message "Who is this? Is it [Victim-4], [Victim-2], [Victim-1], [Victim-3], . . . ???? They all look the same," followed by emojis depicting rats and feces.

c. On or about April 14, 2016, the Instagram Account posted a picture of a large rat riding a subway. The post included the message "[Victim-4] riding the train," followed by three emojis depicting a rat.

d. On or about April 28, 2016, the Instagram Account posted a picture with the words "Don't ever think you got away with the BS you said or did. There is no expiration date for disrespect." The post included the message "Some niggas are gonna learn this the hard way, I never forget!!!! That means these snitch niggas that be talking mad shit but don't come see a nigga. They want to creep through my FB [i.e., Facebook] and IG [i.e., Instagram] ([Victim-4], [Victim-2], [Victim-1], [Victim-3], etc...)."

e. On or about May 15, 2016, the Instagram Account posted a picture of a rat with the words "Niggas be like the judge dismissed the case." The post included the message, "This is [Victim-4], [Victim-2], [Victim-1], [Victim-3], etc..."

f. On or about May 17, 2016, the Instagram Account posted a picture of a rat-snake hybrid with the words "Watch out a new breed of people running around these streets." The post included the message, "Looks like [Victim-4]!!!!"

g. On or about May 19, 2016, the Instagram Account posted a picture of a prescription bottle full of bullets and the message, "I know a lot of mother fuckers who need a couple doses of this medicine!!!!"

h. On or about July 16, 2016, the Instagram Account posted a picture of dead rats whose heads had been crushed in a rat trap and the words "This is what's going to happen to all you rats." The post included the message, "No names needed everyone knows who they are already!!!!!!!!!"

i. On or about August 8, 2016, the Instagram Account posted a picture of an x-ray image of a man with a gun in his mouth and the words, "SNITCHES ARE A DYING BREED." Also on or about August 8, 2016, the Instagram Account posted a picture with the words, "I AIM TO PLEASE. BUT MOSTLY I SHOOT TO KILL."

j. On or about August 12, 2016, the Instagram Account posted a picture with the words, "I'LL GIVE THE SNITCH SOME HOLLOW POINTS. SNITCHES LOVE HOLLOW POINTS." The post included a message with seven emojis of guns. From my training and experience, I know that "hollow points" refers to hollow-point bullets, which have a hollowed-out shape that cause the bullet to expand upon entering a target.

k. On or about August 18, 2016, the Instagram Account posted a picture with the words, "FEDS AIN'T WATCHING NIGGAS IS TELLING." The post also included the message, "Looks

like [Victim-4], [Victim-2], [Victim-1], [Victim-3]. . .," and emojis of a gun pointing at a rat's head.

l. On or about September 5, 2016, the Instagram Account posted a picture of a rat with a red "x" over it and emojis of a gun pointed at a rat's head. Also on or about September 5, 2016, the Instagram Account posted a picture of a man with the words "I don't always get caught selling dope, but when I do I set someone up to save my own ass." The post included the message "Sounds like [Victim-4], [Victim-1], [Victim-2], [Victim-3]. . . ." Also on or about September 5, 2016, the Instagram Account posted a picture of two dead rodents hanging from scaffolding and the message, "This is what all rats need," followed by emojis of guns and knives.

m. On or about December 14, 2016, the Instagram Account posted a picture of a man wearing makeup to look like a rat. The post included the message, "Looks like [Victim-4], [Victim-1], [Victim-2], and [Victim-3]." Also on or about December 14, 2016, the Instagram Account posted a picture of a man with a gun and the words, "I never snitch. I take matters into my own hands," followed by emojis of a gun and a knife.

n. On or about March 21, 2017, the Instagram Account posted two pictures of the transcript of Victim-1's testimony at the Trial and identified Victim-1 as the witness by both Victim-1's real name and nickname.

o. On or about May 5, 2017, the Instagram Account posted a picture of a man sitting at a witness stand and pointing into a courtroom. The picture contained the words, "DON'T BE LIKE THIS BITCH," and the post included the message, "[Victim-1], [Victim-3], [Victim-2], [Victim-4], etc..." followed by emojis of guns and knives. Also on or about May 5, 2017, the Instagram Account posted a picture of two feet, apparently of a corpse in a morgue, with a tag hanging on the toes and the words "A Good Snitch." Also on or about May 5, 2017, the Instagram Account posted a picture of a gun and a rat with the words "FUCK A RAT."

p. On or about May 15, 2017, the Instagram Account posted a picture of a dead body with the words "That's one way to take care of a snitch. Make em' suffer as they did to you."

9. Based on my review of records from Facebook, Inc. ("Facebook"), I have learned that from on or about January 2015 to on or about May 2017, a Facebook account appearing to belong to ALBERTO NIEVES, a/k/a "Bert Nieves," see *infra* ¶ 12, using

the name "Bert Nieves" (the "Facebook Account") made numerous social media posts that, like the Instagram Account, threatened violence against "snitches" and "rats" in general and against Victim-1, Victim-2, Victim-3, and Victim-4 in particular. The following are a non-exhaustive sample of the Facebook posts:

a. On or about May 15, 2017, the Facebook Account posted a picture of a bloody man with his head being crushed by a vice and the words, "Thats one way to take care of a snitch. Make em' suffer as they did to you."

b. On or about May 5, 2017, the Facebook Account posted a picture of a man sitting at a witness stand. The picture contained the words, "DON'T BE LIKE THIS BITCH," and the caption stated, "[Victim-1], [Victim-3], [Victim-2], [Victim-4], etc..." followed by emojis of guns and knives.

c. On or about April 29, 2017, the Facebook Account posted a picture of a man holding another man in a headlock with a gun to his head and the words, "I DON'T FUCK WITH RATS. NOT IN MY CIRCLE." The post included a caption with emojis of guns.

d. On or about May 28, 2015, the Facebook Account posted a picture of a man holding a rat and captioned the picture with the words "Is that [Victim-4]? Or [Victim-1]? or [Victim-3]? Maybe it's [Victim-2]???????"

e. On or about September 23, 2015, the Facebook Account posted a picture of a rat eating pizza along with a caption that said "[Victim-4] wants some 3 Boys!!!!!!"

f. On or about January 22, 2016, the Facebook Account posted a picture of a rat in a suit with a caption that said, "Looks like [Victim-4] and [Victim-1] and [Victim-2] and [Victim-3] . . . (Damn did I miss anybody ???). They all look the same to me !!!!!"

g. On or about March 11, 2016, the Facebook Account posted a picture of a rat with a caption that said, "Who is this ? Is it [Victim-4], [Victim-1], [Victim-2], [Victim-3] . . . ????? They all look the same !!!" The caption included emojis of rats and feces.

h. On or about April 26, 2016, the Facebook Account posted a picture of a man on a billboard that said "Snitch? You bet, I told." The picture included the words "This nigga probably dead for this billboard." The Facebook Account posted

a caption for this picture with the words "I hope he is !!!! We have to get one of these with [Victim-4], [Victim-3], [Victim-1], [Victim-2] . . . "

i. On or about May 13, 2016, the Facebook Account posted a picture with the words "WORDS FROM THE FAKE DON'T HOLD ANY WEIGHT." The Facebook Account posted a caption for the picture that said "This means these snitch niggas that be talking mad shit but don't come see a nigga !!! But they want to be creeping through my FB [i.e., Facebook] and IG [i.e., Instagram] ([Victim-4], [Victim-2], [Victim-1], [Victim-3], etc...)"

j. On or about August 12, 2016, the Facebook Account posted a picture of a rat that said "I AM THE RAT KING AND THE DAY OF JUDGMENT IS AT HAND" and included the caption "[Victim-4]" followed by five rat emojis. Approximately three minutes later, the Facebook Account posted a picture of a rat with the words "FEDS SMELL A RAT," and wrote a caption that said "[Victim-1], [Victim-3], [Victim-2], [Victim-4] . . . " followed by nine rat emojis.

k. On or about September 5 2016, the Facebook Account posted a picture of a man with the words "I DON'T ALWAYS GET CAUGHT SELLING DOPE BUT WHEN I DO I SET SOMEONE UP TO SAVE MY OWN ASS." The Facebook Account captioned this picture with the words "Sounds like [Victim-4], [Victim-1], [Victim-2], [Victim-3] . . . " Approximately one minute later, the Facebook Account posted another picture of multiple dead rats hanging from a ceiling with a caption that said, "This is what all rats need," followed by gun and knife emojis.

l. On or about December 14, 2016, the Facebook Account posted a picture of a man wearing makeup to look like a rat. The post included the caption, "Looks like [Victim-4], [Victim-1], [Victim-2], and [Victim-3]."

m. On or about April 12, 2017, the Facebook Account posted a picture of the transcript of Victim-3's testimony at the Trial and identified Victim-3 as the witness by both Victim-3's real name and nickname.

10. In addition to the Instagram and Facebook posts described above, the Instagram Account and Facebook Account contain a steady stream of angry posts about cooperators, many of which are violent, and which appear to be designed to foment anger against cooperators. Although these posts, unlike many of

the posts described in paragraphs 8 and 9 above, do not expressly name Victim-1, Victim-2, Victim-3, and Victim-4, in context they also appear to be threats against the cooperators named in the other posts:

a. On or about January 26, 2016, the Instagram Account posted a picture of what appeared to be a dead man caught in a large rat trap with the words "RATS BE LIKE S.N.I.T.C.H." The post also included the message "I need a few of these for the hood!!!" Also on or about January 26, 2016, the Instagram Account posted a picture of a large cache of firearms.

b. On or about March 25, 2016, the Instagram Account posted a picture with the words "Being A Rat Was The Lowest Thing Anybody Could Be In My Neighborhood." The post also included a message with emojis depicting a rat surrounded by guns and knives.

c. On or about July 20, 2016, the Instagram Account posted a picture of a boy holding a gun and looking on as another boy talked to a police officer. The picture included the caption, "SNITCHES GET STITCHES." The post also included a message saying, "That's what it is," followed by emojis of guns and knives.

d. On or about August 24, 2016, the Instagram Account posted a picture with the words, "ONE DOES NOT SIMPLY SNITCH WITHOUT CONSEQUENCES." The post included a message with emojis of guns and knives.

e. On or about September 27, 2016, the Instagram Account posted a picture of a man with a gun and the words "WHO OPENED THEIR MOUTH, SNITCHES GET STITCHES."

f. On or about October 17, 2016, the Instagram Account posted a picture of a man with a gun and the words "AND THAT MY FRIEND IS HOW YOU TAKE CARE OF A SNITCH," followed by emojis of guns.

g. On or about January 9, 2017, the Instagram Account posted a picture of the barrel of a gun and the words "THE LAST THING A SNITCH SHOULD SEE."

h. On or about February 22, 2017, the Instagram Account posted a picture of a man pointing a gun that said "FUCK WITH ME?? BAD IDEA . . . FUCK WITH MY FAMILY?? YOU'RE DEAD."

i. On or about January 26, 2015, the Facebook Account posted a picture with the words, "A SNITCH DIES A THOUSAND DEATHS. A SOLDIER DIES JUST ONCE."

j. On or about March 29, 2015, the Facebook Account posted a comment that said "These coward ass mother fuckin disloyal rat motherfuckers have fucked up our hoods and a lot of friendships !!!!! Fuck all of them motherfuckers and bitch niggas who condone that shit and chill with these bitch niggas !!!!!!"

k. On or about May 17, 2015, the Facebook Account posted a picture with the words "THERE ARE THREE THINGS YOU SHOULD KNOW ABOUT ME. 1. MY CIRCLE IS SMALL 2. IM LOYAL TO THE END 3. NEVER FUCK ME OVER." Approximately three minutes after this post, the Facebook Account posted three separate pictures of firearms.

l. On or about June 19, 2016, the Facebook Account posted a picture of a broken street sign and the caption, "When you have rats in your Hood that's what happens !!!!! Got to get the exterminator !!!!!!"

11. In addition to the public posts described in paragraphs 8 through 10 above, the Instagram Account and the Facebook Account are both used to send and receive private messages between other users. In these messages, the user of the Instagram and Facebook Accounts appears to be getting and disseminating information about where the cooperating witnesses can be found. For example:

a. On or about April 4, 2017, the Instagram Account sent a direct message to another Instagram account ("Instagram Account-2") requesting that Instagram Account-2 send "a pic of [Victim-4] and one of the van showing." On or about April 4, 2017, Instagram Account-2 sent the Instagram Account a picture of a van and two pictures of a man I recognize, based on my personal knowledge, to be Victim-4.

b. On or about November 22, 2015, the Facebook Account sent a message to another Facebook account ("Facebook Account-2") that said, "What's up ? That's an old pic of the rat [Victim-4]. Looks familiar?" The message included a picture of a man I recognize, based on my personal knowledge, to be Victim-4.

c. On or about May 10, 2016, the Facebook Account sent a message to another Facebook account ("Facebook Account-

3") that said, "I know the block where [Victim-3], [Victim-1], are too. Im working on [Victim-2] now." On the same day, the Facebook Account sent a second message to Facebook Account-3 that said, "I aint playing. Im only behaving because of my mother. God forbid something was to happen to her its over for alot of people."

d. On or about April 14, 2017, the Facebook Account received a series of messages from another Facebook account ("Facebook Account-4") that said, in part, "Yo I saw los at 161. He was shook!! He had has back to me like i wouldn't notice him...".

e. On or about April 27, 2017, the Facebook Account sent a message to another Facebook account ("Facebook Account-5") that included three pictures of Victim-1's testimony at the Trial.

12. Based on my review of records from Instagram and Facebook, it appears that the Instagram Account and Facebook Account belong to the same user, and that the user is ALBERTO NIEVES, a/k/a/ "Bert Nieves," the defendant. For example:

a. The Facebook Account uses the username "Bert Nieves," which is NIEVES's nickname. The Instagram Account uses the username "Burke_Ave_Bert," which is a combination of NIEVES's nickname, "Bert," and the location of the Bronx where he is from, "Burke Avenue."

b. The user of the Facebook Account receives messages wishing him a "happy birthday" on September 17, 2014, on September 17, 2015, and on September 17, 2016. The user of the Instagram Account receives a message wishing him a "happy birthday" on September 17, 2016. I know from my review of public records that NIEVES's date of birth is September 17.

c. The Instagram Account and Facebook Account are registered using the same email address, which address includes the characters "bertn917." This email address is a combination of NIEVES's first name, last initial, and date of birth.

d. I have reviewed the profile picture associated with the Facebook Account and, based on my personal knowledge, I recognize the person in the picture to be NIEVES. I have reviewed previous profile pictures associated with the Facebook Account and, based on my personal knowledge, I also recognize the person in these pictures to be NIEVES, including a picture of NIEVES wearing his prison uniform.

e. The first picture posted on the Instagram Account was a photograph of three men. Based on my personal knowledge, I recognize the man in the middle of the photograph to be NIEVES.

Threats Conveyed to Victim-2

13. Based on my discussions with Victim-2, I know that in or about January 2017, an associate of Victim-2 ("Associate-1") told Victim-2 about an encounter between Associate-1 and ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant. According to Associate-1, NIEVES approached Associate-1 on the street and told Associate-1 to stop associating with Victim-2 unless he wanted to "end up like him." A few minutes later, a known associate of NIEVES approached Associate-1 and told Associate-1 that NIEVES was offering 100 grams of cocaine to anyone who killed Victim-2.

Physical Attacks Against Victim-3

14. Based on my discussions with Victim-3, I have learned the following:

a. In or about 2016, two associates of Victim-3 told Victim-3 that ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, had said to tell Victim-3 that NIEVES was going to shoot him.

b. In or about November 2016, two men attacked Victim-3 with a knife on a subway platform while Victim-3 was with his young son. Prior to the attack, one of the attackers identified Victim-3 by name and called him a "snitch."

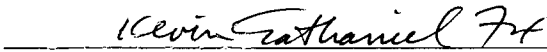
c. In or around June 2017, in the general vicinity of Grant Avenue in the Bronx, Victim-3 was attacked by two men. One of the attackers had a gun, identified Victim-3 by name, called him a "rat," and shot at him multiple times.

WHEREFORE, the deponent respectfully requests that ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, be imprisoned or bailed, as the case may be.



Stefano Braccini
Investigator
United States Attorney's Office
Southern District of New York

Sworn to before me this
28 day of June, 2017



THE HONORABLE KEVIN N. FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK